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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,134	11/07/2001	Patricia A. Torrens-Burton	ROC920010138US1	2360

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EXAMINER	
FISHER, MICHAEL J	

ART UNIT	PAPER NUMBER
3689	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/045,134	TORRENS-BURTON, PATRICIA A.	
	Examiner	Art Unit	
	MICHAEL J. FISHER	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,9,10 and 13-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,9,10 and 13-2* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,3-5,9,10,13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,892,388 to Catanoso.

As to claim 1, Catanoso discloses a method of providing souvenir images (col 1, lines 52-54) comprising: capturing data (a plurality of images) during an event (col 1, lines 52-54), associated with one location (their seat) that is occupied during the event by a discrete subset of customers (the person whose seat it is), which subset would be more than none and less than all, receiving, in an interactive device (col 2, lines 10-15) desired location from among a plurality of locations (that for which the picture is desired), information from the customer (inherent in that the desired images are sold to the customer, col 6, lines 12-14), automatically displaying the image at an automated,

interactive playback device (at playback station 60) in response to a request (the user is shown to request images and they are displayed). Catanoso further discloses using motion video (video clips, col 2, lines 11-15 via a video camera, claim 1 and further discussed in col 1, lines 29-31 as discussed in the background of the invention).

Catanoso does not, however teach displaying images of a certain spot in response to input from the customer or specifically discuss being able to use the playback monitor for more than one location. Catanoso does, as discussed, teach displaying images in response to input. It would have been obvious to one of ordinary skill in the art to modify the system as taught by Catanoso by allowing the user to specify the location to ensure that the proper pictures are placed in the souvenir and further, to allow the user to get playback from more than one location so the user could get videos of more than one ride on each souvenir so and not have to go to multiple playback machines for each day.

As to claim 16, Catanoso discloses a selection input device (playback workstation 60), a processor that correlates location desired location with actual location (inherent in that the system uses a computer for which a processor is necessary, fig 1 and the images are shown to be provided based on user requests) and an image delivery apparatus (that which produces the CD-ROM, col 2, lines 4-6).

As to claim 3, the image is electronic (col 5, lines 2-3, digitized being electronic).

As to claim 4, Catanoso does not disclose the image as being of a scoreboard display. Catanoso does, however, teach the system as being used at an athletic event (col 5, lines 44-47). Therefore, it would have been obvious to one of ordinary skill in the

art to include images of a scoreboard to memorialize important events that would be displayed on the scoreboard, such as: Final score or an important milestone like an important event (such as a famous player's 3,000th hit).

As to claim 5, Catanoso does not teach the image as comprising a television broadcast image. Catanoso does teach the system as being used at events that are televised (such as an athletic event as discussed in relation to claim 4). Therefore, it would have been obvious to one of ordinary skill in the art for the image to comprise a television broadcast as ballparks already contain many television cameras for broadcast to an audience and using already installed cameras that are used to capture as much action as possible would be less costly than requiring a myriad of new cameras.

As to claims 6,23, the image is a video clip (col 3, lines 32-38).

As to claim 9, the souvenir is purchased (col 6, lines 12-15).

As to claim 10, it would have been obvious to one of ordinary skill in the art to use seat number from the customer so as to include an image of the customers at the event in their seats.

As to claim 13, Catanoso does not teach using electronic mail as the method to provide the customer with the souvenir. Catanoso does teach using a computer (fig 1) and saving the video in AVI format (a tagged and compressed format, col 3, lines 65-67). The examiner takes Official Notice that sending video clips in AVI format through electronic mail is old and well known in the art and further, the examiner takes Official notice that it is old and well known to connect computers to the Internet and therefore, it would have been obvious to one of ordinary skill in the art to send the images via

electronic mail to make the souvenir cheaper as the customer would not have to pay for the production of a CD-ROM or other media carrying device.

As to claims 14, the image is a printed photograph (col 5, lines 33-37).

As to claim 15, the image is written on a signal bearing media (CD-ROM, col 2, lines 4-6).

As to claim 17, the playback workstation (60) would be a "kiosk".

As to claim 18, the printer (col 5, lines 33-37) would inherently and necessarily be operably connected to the kiosk else the printer would not know which image or images to print.

As to claim 19, a CD-ROM is an optical disc as it uses lasers.

As to claim 20, Catanoso does not teach the input method for the computer. The examiner takes Official Notice that touch screen monitors and keypads are old and well known as input devices for computers. Therefore, it would have been obvious to one of ordinary skill in the art to use a touch screen monitors and keypads as these are well known to most computer users and would not require training for the customer that more esoteric devices might require.

As to claim 21, the system is connected to a computer network (fig 1 shows the network).

As to claim 22, Catanoso discloses a stadium display unit (playback workstation 60).

As to claim 24, Catanoso discloses a camera capturing a plurality of images (col 4, lines 48-50), receiving payment (inherent in that the souvenir is purchased, col 6,

lines 12-14) so there would inherently be a "payment receiver" and printer (col 5, line 36), the system inherently would correlate the images with the location else the customer could receive the wrong image. Catanoso does not, however, teach how to receive the payment, a ticket reader or taking images related to the seat. It would have been obvious to one of ordinary skill in the art to use seat number from the customer so as to include an image of the customers at the event in their seats and further to use a ticket reader as this would ensure that an improper seat number was not entered.

As to claim 25, as the method as claimed is done by Catanoso, as discussed in the above rejection, and further as it is done by a computer (fig 1), it would inherently be a computer program product.

As to claim 26, Catanoso discloses displaying a subset of images (at different times), the system is shown to print those pictures desired by the customer.

As to claims 27 and 29, Catanoso discloses the ability to edit the video (col 2, lines 7-15). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Catanoso by allowing the user to add a personalized message (such as, “Our trip to the amusement park”) to make the souvenir more enjoyable for the user.

As to claim 28, Catanoso discloses a subset of images (from each ride or attraction), each subset is shown to be displayed (as the customer can buy the images), the customer chooses the images and the system ‘automatically’ provides them.

Response to Arguments

Applicant's arguments filed 6/2/08 have been fully considered but they are not persuasive. As to arguments in relation to “location”, these have been addressed in the above rejection, there are “multiple even site locations”, the event being a day at the amusement park, the locations being the various rides, just as appears to be intended by applicant, there are “multiple subsets of customers”, those on each ride would be a subset. As to arguments that the customer must only occupy a single location during the event, this would be met in that, as discussed in each action, Catanoso discloses both amusement parks and ball games. At a ball game, the users would be in "one location" (their respective seats), thus meeting the limitation as claimed. To further clarify, much like the instant invention, the prior art discloses multiple uses for the invention, which different uses would result in different methods of using, for an amusement park, the locations would be the rides and the event would be the day at the park, for the game, the event would be a ball park and the location would be the seat. Further, the device as disclosed would be used for the same purpose in the same manner (taking pictures of customers at recreational centers) and as such, the modifications for use in different venues would be obvious, specifically, as Catanoso discloses both amusement parks and ball parks, it would not just be obvious, to have different sources for pictures as it would be necessary to get a picture of the user at his seat in order to get a picture of the user watching the game. Noting that the instant invention is using a known system for a use for which its inventor intended it would make the rejection proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
9/14/08

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/045,134	TORRENS-BURTON, PATRICIA A.	
	Examiner	Art Unit	
	MICHAEL J. FISHER	3689	